

Notice of Allowability

Application No.

09/742,654

Examiner

Victor S. Chang

Applicant(s)

HANNINGTON, MICHAEL

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's responses filed 12/29/2005 and 11/1/2005.
2. ☒ The allowed claim(s) is/are 27-29 and 32-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Heidi Boehlefeld on 1/26/2006.

The application has been amended as follows:

IN THE CLAIMS

In claim 27, at lines 1 and 3, insert phrase --pressure sensitive-- before each of the term "adhesive".

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Applicant's Amendments to title, specification, abstract, claims 27 and 28 are entered. Accordingly, objections and rejections under 35 U.S.C. 112, first paragraph in sections 5-7 and 10-11 of Office action dated 5/5/2005 are withdrawn. Further, Applicant's Declaration dated 11/1/2005 are persuasive that a pattern of non-adhesive material forms (e.g., UV cured ink) can be embedded into the adhesive layer to create channels as paths for air egress from the adhesive article. As such, the rejections in sections 8 and 9 of Office action dated 5/5/2005 are also withdrawn. In particular, the Examiner notes that while it is known art, as taught by GB 1511060 (see Office action

Art Unit: 1771

dated 4/26/2002, page 7), that ridges or recesses provided on the surface of a heat- and pressure-sensitive adhesive sheet, wherein at least one end of such ridge or recess intersects the end edge of the adhesive layer, improves the mechanism for degassing (air egressing) from between the bonded surfaces, GB '060 is clearly directed to a heat activated adhesive, not a typical pressure sensitive adhesive materials which are characterized by glass transition temperatures in the range of about -70°C to about 10°C of instantly claimed invention (see specification, paragraph 0041). As such, recessed channels formed by non-adhesive material forms embedded into the surface of a pressure-sensitive adhesive layer are neither taught nor suggested by GB '060. Finally, the Examiner would like to comment that a pressure sensitive adhesive is conventionally designated as adhesives "which in dry form are aggressively and permanently tacky at room temperature and firmly adhere to a variety of dissimilar surfaces upon mere contact without the need of more than finger or hand pressure." (Concise Encyclopedia of Polymer Science and Engineering, pages 902-903, bridging paragraph). As such, the heat activated adhesive of GB '060 appears to be mischaracterized as a "pressure sensitive adhesive". Further, it should also be noted that since mere embossing is required to form the recess channels of GB '060, there is no motivation to embed the non-adhesive materials into the surface of adhesive of GB '060.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

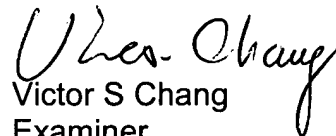
Art Unit: 1771

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

1/30/2005